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Federal Communications Commission  
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Date: October 1, 2002

To: Michael K. Powell, Chairman  
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John E. Fogarty  
Vice President and Assistant General Counsel



October 1, 2002

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Federal Communications Commission  
Office of the Secretary

Mr. Richard F. Quigley  
City Manager  
The City of Daytona Beach  
301 South Ridgewood Avenue  
Daytona Beach, FL 32114

Re: Daytona Beach – TWEAN Subsidiary, LLC Transfer

Dear Mr. Quigley:

This will respond on behalf of Time Warner Entertainment Company, L.P. (Time Warner"), to your letter of September 11, 2002 to Diane Pickett Culpepper in connection with the information which the City has received regarding the proposed transfer of the franchise from Time Warner to TWEAN Subsidiary, LLC.

You ask why representatives of TWEAN Subsidiary, LLC – rather than representatives of Time Warner – responded to the City's inquiries. Since most of the inquiries concerned the proposed transferee and the future effects of the proposed transaction, it was logical for the response to come from the proposed transferee. In a transfer situation the focus of the franchising authority is normally and quite appropriately on the qualifications of the proposed transferee and its ability and commitment to meet the obligations of the franchise after the transfer.

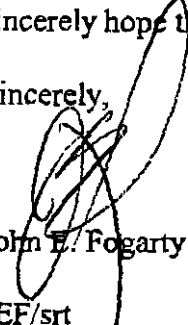
You may be assured that Time Warner and TWEAN Subsidiary, LLC as parties to the proposed transfer transaction are cooperating and coordinating with respect to the transfer process in Daytona Beach. This is especially necessary at our local operational level because the current Time Warner system employees will become Advance/Newhouse employees when the transaction closes. Time Warner is fully aware of the information provided to the City by TWEAN Subsidiary, LLC.

You are well aware from the lengthy trail of correspondence between Time Warner and the City that Time Warner has substantive objections to the City's new cable ordinance and has clearly made known its position that the City may not under law impose the terms of the Ordinance on Time Warner in place of the terms of its existing franchise or

undercut the Cable Act franchise renewal process by unilaterally setting the renewal terms by Ordinance.

I know ~~from~~ Jon Kaney that he has conveyed to you the desire ~~of~~ Time Warner - shared by TWEAN Subsidiary, LLC - to bring the renewal process to a conclusion very soon and that he has offered some new suggestions to you as a basis for settlement. We sincerely hope that agreement is imminent.

Sincerely,



John E. Fogarty

JEF/srt

cc: Diane Pickett Culpepper  
John Doctor  
Steven Gerber  
Honorable Mayor and City Commission  
Robert J. Miron, Chief Executive Officer, Advance/Newhouse Partnership  
Jonathan Kaney, Cole and Cobb  
Ben Gross, Assistant City Attorney  
Chairman Michael K. Powell, Federal Communications Commission  
Cynthia Pals, INPUT